TRANSCRIFT PREPARED BY THE CLERK OF THE LEGISLATURE Transcriber's Office FLOOR DEBATE

March 5, 2002 LB 752

significantly. But until I explore some areas, I'm still not sure I'll be able to support the bill because I don't understand parts of it, quite frankly. And I've...I've offered an amendment following this, so that I can ask some additional questions if I'm not able to...to get that all clarified right at the present time. I would ask Senator Chambers if he would yield to a couple of questions, please?

SPEAKER KRISTENSEN: Senator, would you respond?

SENATOR CHAMBERS: Yes, I will.

SENATOR BROMM: Senator, I am reading the findings of the bill, and I'm...I'm looking at the E & R amendments, so I, hopefully, I'm reading language that is...is the way it's been passed on to Select File. And I'm reading that...I'm reading the findings, and on lines 10 and 11 it says, "A jailhouse informer, due to the receipt or promise of a benefit, is presumed to provide testimony that may be unreliable." Now how do you see that changing the law or the instructions that are given in a given trial, where you do have informant testimony or accomplice testimony, or how do you see that changing the instructions to the jury?

SENATOR CHAMBERS: Senator Bromm, it will not and we carefully...myself and Senator Beutler, through questions back and forth, and Senator Landis, emphasize that this does not create a presumption which is operative. It simply lays out the reasoning behind the bill. And that's why it's put in the findings rather than in the operative portion of the bill.

SENATOR BROMM: Okay, and that's what I wanted to establish because this is part of the findings and not...it doesn't declare something to be a matter of law but, rather, findings.

SENATOR CHAMBERS: Right. The background, the rationale for the bill, had it been put in the operative portions of the bill, then it would be a matter of concern such as the one you're raising. But we went through this at great length, and I'm not saying it to stop you from pursuing your questions, but to show that you're not the only one who wondered about that.